

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1689

97TH GENERAL ASSEMBLY

4967L.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 160.053, 160.054, 160.055, and 161.216, RSMo, and to enact in lieu thereof six new sections relating to elementary and secondary education.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 160.053, 160.054, 160.055, and 161.216, RSMo, are repealed and  
2 six new sections enacted in lieu thereof, to be known as sections 160.047, 160.053, 160.054,  
3 160.055, 161.216, and 163.018, to read as follows:

**160.047. The department of elementary and secondary education shall develop a**  
2 **process and scoring guide that rewards districts by providing additional performance**  
3 **points on the school improvement program for providing free full-day kindergarten to**  
4 **students who qualify for free or reduced price lunch, students who are receiving special**  
5 **educational services under an individualized education program, and students who are**  
6 **identified by school staff as at-risk through attendance patterns, disciplinary incidents, or**  
7 **academic screening.**

160.053. 1. **If a school district maintains a prekindergarten program, a child is**  
2 **eligible for admission to that prekindergarten program only if the child has reached the**  
3 **age of three before the first day of August of the school year beginning in that calendar**  
4 **year.** If a school district maintains a kindergarten program, a child is eligible for admission to  
5 kindergarten and to the summer school session immediately preceding kindergarten, if offered,  
6 if the child reaches the age of five before the first day of August of the school year beginning in  
7 that calendar year or if the child is a military dependent who has successfully completed an  
8 accredited prekindergarten program or has attended an accredited kindergarten program in  
9 another state. A child is eligible for admission to first grade if the child reaches the age of six

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 before the first day of August of the school year beginning in that calendar year or if the child  
11 is a military dependent who has successfully completed an accredited kindergarten program in  
12 another state.

13 2. Any kindergarten or grade one pupil beginning the school term and any pupil  
14 beginning summer school prior to a kindergarten school term in a metropolitan school district  
15 or an urban school district containing the greater part of the population of a city which has more  
16 than three hundred thousand inhabitants pursuant to section 160.054 or 160.055 and  
17 subsequently transferring to another school district in this state in which the child's birth date  
18 would preclude such child's eligibility for entrance shall be deemed eligible for attendance and  
19 shall not be required to meet the minimum age requirements. The receiving school district shall  
20 receive state aid for the child, notwithstanding the provisions of section 160.051.

21 3. Any child who completes the kindergarten year shall not be required to meet the age  
22 requirements of a district for entrance into grade one.

23 4. The provisions of this section relating to kindergarten instruction and state aid therefor  
24 shall not apply during any particular school year to those districts which do not provide  
25 kindergarten classes that year.

160.054. 1. Notwithstanding any provisions of sections 160.051 and 160.053, to the  
2 contrary, beginning with the 1997-98 school year, all metropolitan school districts, except as  
3 provided in subsection 2 of this section, may establish and enforce a regulation which requires  
4 that a child shall have attained the age of **three by August first for purposes of**  
5 **prekindergarten if a school district maintains such a program, the age of** five for purposes  
6 of kindergarten and summer school prior to a kindergarten school term, and the age of six for  
7 purposes of grade one, on or before any date between August first and October first of that year.  
8 The school district shall receive state aid for any child admitted to kindergarten, summer school  
9 prior to kindergarten, or grade one pursuant to this section, notwithstanding the provisions of  
10 section 160.051.

11 2. Any kindergarten or grade one pupil beginning the school term and any pupil  
12 beginning summer school prior to a kindergarten school term in a metropolitan school district  
13 and subsequently transferring to another school district in this state in which the child's birth date  
14 would preclude such child's eligibility for entrance shall be deemed eligible for attendance and  
15 shall not be required to meet the minimum age requirements. The receiving school district shall  
16 receive state aid for the child, notwithstanding the provisions of section 160.051.

17 3. Any child who completes the kindergarten year in a metropolitan school district shall  
18 not be required to meet the minimum age requirements of another school district in this state for  
19 entrance into grade one.

20           4. The provisions of subsections 1 and 2 of this section, relating to kindergarten  
21 instruction and state aid therefor, shall not apply during any particular school year to those  
22 districts which do not provide kindergarten classes that year.

          160.055. 1. Notwithstanding any provisions of sections 160.051 and 160.053, to the  
2 contrary, beginning with the 1997-98 school year, all urban school districts containing the greater  
3 part of the population of a city which has more than three hundred thousand inhabitants, except  
4 as provided in subsection 2 of this section, may establish and enforce a regulation which requires  
5 that a child shall have attained the age of **three by August first for purposes of**  
6 **prekindergarten if a school district maintains such a program, the age of** five for purposes  
7 of kindergarten and summer school prior to a kindergarten school term, and the age of six for  
8 purposes of grade one, on or before any date between August first and October first of that year.  
9 The school district shall receive state aid for any child admitted to kindergarten, summer school  
10 prior to kindergarten, or grade one pursuant to this section, notwithstanding the provisions of  
11 section 160.051.

12           2. Any kindergarten or grade one pupil beginning the school term and any pupil  
13 beginning summer school prior to a kindergarten school term in an urban school district in this  
14 state containing the greater part of the population of a city which has more than three hundred  
15 thousand inhabitants and subsequently transferring to another school district in this state in which  
16 the child's birth date would preclude such child's eligibility for entrance shall be deemed eligible  
17 for attendance and shall not be required to meet the minimum age requirements. The receiving  
18 school district shall receive state aid for the child, notwithstanding the provisions of section  
19 160.051.

20           3. Any child who completes the kindergarten year in an urban school district containing  
21 the greater part of the population of a city which has more than three hundred thousand  
22 inhabitants shall not be required to meet the minimum age requirements of another school district  
23 in this state for entrance into grade one.

24           4. The provisions of subsections 1 and 2 of this section, relating to kindergarten  
25 instruction and state aid therefor, shall not apply during any particular school year to those  
26 districts which do not provide kindergarten classes that year.

          161.216. 1. No public institution of higher education, political subdivision,  
2 governmental entity, or quasi-governmental entity receiving state funds shall operate, establish,  
3 or maintain, offer incentives to participate in, or mandate participation in a quality rating system  
4 for early childhood education, a training quality assurance system, any successor system, or any  
5 substantially similar system for early childhood education, unless the authority to operate,  
6 establish, or maintain such a system is enacted into law through:

7           (1) A bill as prescribed by article III of the Missouri Constitution;

8 (2) An initiative petition as prescribed by section 50 of article III of the Missouri  
9 Constitution; or

10 (3) A referendum as prescribed by section 52(a) of article III of the Missouri  
11 Constitution.

12 2. No public institution of higher education, political subdivision, governmental entity  
13 or quasi-governmental entity receiving state funds shall promulgate any rule or establish any  
14 program, policy, guideline, or plan or change any rule, program, policy, guideline, or plan to  
15 operate, establish, or maintain a quality rating system for early childhood education, a training  
16 quality assurance system, any successor system, or any substantially similar system for early  
17 childhood education unless such public institution of higher education, political subdivision,  
18 governmental entity or quasi-governmental entity receiving state funds has received statutory  
19 authority to do so in a manner consistent with subsection 1 of this section.

20 3. Any taxpayer of this state or any member of the general assembly shall have standing  
21 to bring suit against any public institution of higher education, political subdivision,  
22 governmental entity or quasi-governmental entity which is in violation of this section in any  
23 court with jurisdiction to enforce the provisions of this section.

24 4. This section shall not be construed to limit the content of early childhood education  
25 courses, research, or training carried out by any public institution of higher education. A course  
26 on quality rating systems or training quality assurance systems shall not be a requirement for  
27 certification by the state as an individual child care provider or any licensing requirement that  
28 may be established for an individual child care provider.

29 5. For purposes of this section:

30 (1) "Early childhood education" shall mean education programs that are both centered  
31 and home-based and providing services for children from birth to [kindergarten] **age three**;

32 (2) "Quality rating system" or "training quality assurance system" shall include the model  
33 from the Missouri quality rating system pilots developed by the University of Missouri center  
34 for family policy and research, any successor model, or substantially similar model. "Quality  
35 rating system" or "training quality assurance system" shall also include but not be limited to a  
36 tiered rating system that provides a number of tiers or levels to set benchmarks for quality that  
37 build upon each other, leading to a top tier that includes program accreditation. "Quality rating  
38 system" or "training quality assurance system" may also include a tiered reimbursement system  
39 that may be tied to a tiered rating system;

40 (3) "Tiered reimbursement system" or "training quality assurance system" shall include  
41 but not be limited to a system that links funding to a quality rating system, a system to award  
42 higher child care subsidy payments to programs that attain higher quality levels, or a system that

43 offers other incentives through tax policy or professional development opportunities for child  
44 care providers.

2 **163.018. 1. Notwithstanding the definition of average daily attendance in**  
3 **subdivision (2) of section 163.011 to the contrary, pupils ages three and four who are**  
4 **eligible for free and reduced lunch and attend an early childhood education program that:**

4 **(1) Is operated by and in a district or by a charter school**

5 **either of which provides full-day kindergarten; and**

6 **(2) Meets standards established by the state board of education,**

7  
8 **shall be included in the district's calculation of average daily attendance provided that, for**  
9 **any district or charter school, the total number of three- and four-year-old pupils so**  
10 **included in the definition of average daily attendance shall not exceed four percent of the**  
11 **total number of pupils who are eligible for free and reduced lunch between the ages of**  
12 **three and eighteen who are included in the district's or charter school's calculation of**  
13 **average daily attendance.**

14 **2. (1) For all those school districts that have been declared unaccredited by the**  
15 **state board of education and remain unaccredited as of July 1, 2014, the provisions of this**  
16 **section shall become applicable beginning in the 2014-15 school year;**

17 **(2) For any school district that is declared unaccredited by the state board of**  
18 **education after July 1, 2014, the provisions of this section shall become applicable**  
19 **immediately upon such declaration;**

20 **(3) For all those school districts that have been declared provisionally accredited**  
21 **by the state board of education and remain provisionally accredited as of July 1, 2014, the**  
22 **provisions of this section shall become applicable beginning in the 2015-16 school year;**

23 **(4) For any school district that is declared provisionally accredited by the state**  
24 **board of education after July 1, 2014, the provisions of this section shall become applicable**  
25 **beginning in the 2015-16 school year or immediately upon such declaration, whichever is**  
26 **later;**

27 **(5) The provisions of this section shall become applicable for all districts not**  
28 **covered by subdivisions (1) through (4) of this subsection in any school year subsequent to**  
29 **a school year in which the amount appropriated under subsections 1 and 2 of section**  
30 **163.031 is equal to or exceeds the amount necessary to fund the entire entitlement**  
31 **calculation determined under subsections 1 and 2 of section 163.031, and shall remain**  
32 **applicable in all school years thereafter, irrespective of the amount appropriated under**  
33 **subsections 1 and 2 of section 163.031 in any succeeding year.**

34           **3. This section shall not require school attendance beyond that mandated under**  
35 **section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053,**  
36 **160.054, and 160.055 relating to kindergarten attendance.**

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